

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:15-cr-00061-MR-DLH**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHENICE L. KIRKSEY,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's "Petition for a Nunc Pro Tunc Designation, Pursuant to the Rules of Criminal Procedure Rule 36(a)," which the Court construes as a motion for credit for time served on pretrial release. [Doc. 26].

On July 31, 2015, the Defendant was charged in a Bill of Information with maintaining an illegal gambling business, in violation of 18 U.S.C. § 1955. [Doc. 1]. The Defendant was arraigned on August 21, 2015, and placed on pretrial release. [See Doc. 9]. On August 21, 2015, the Defendant pleaded guilty pursuant to a written plea agreement. On March 22, 2016, the Defendant was sentenced to a term of two years' probation. [Doc. 22]. The Defendant now brings the present motion, arguing that she could receive

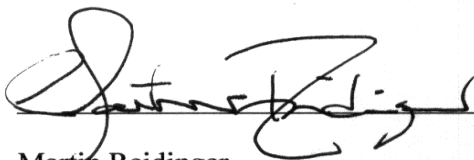
credit toward her sentence of probation for the time that she spent on pretrial release. [Doc. 26].

The Defendant's request is denied. A defendant is not eligible for a credit against her sentence for time spent on pretrial release. See United States v. Insley, 927 F.2d 185, 186 (4th Cir. 1991).

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's "Petition for a Nunc Pro Tunc Designation, Pursuant to the Rules of Criminal Procedure Rule 36(a)" [Doc. 26], which the Court construes as a motion for credit for time served on pretrial release is **DENIED**.

IT IS SO ORDERED.

Signed: December 19, 2016


Martin Reidinger
United States District Judge

